

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Anne Carlsen Center for Children,)	
)	
)	
Plaintiff,)	ORDER DIRECTING DEFENDANT TO
)	SUBMIT A STATUS REPORT
vs.)	
)	
Government of the United States)	
Virgin Islands,)	Case No. A1-04-098
)	
Defendant.)	
)	

There has been ongoing efforts by the parties to resolve this matter now for a number of months. The defendant last advised the court that the Virgin Islands' Legislature had passed legislation authorizing payment, but that there had been an error in the amount that required an amendment. Recognizing that further legislative effort would be required to correct the error and conclude a contemplated settlement, the court continued the trial until Tuesday, April 18, 2006.

On February 17, 2006, the court conducted a conference with the parties via telephone to discuss the status of the case. The court was informed that the corrective legislation passed some time ago and that the Governor had signed the contract documents upon which payment could be made. However, it appears that the money that had been set aside for the payment may have been re-allocated at the close of the fiscal year and that additional action is now required by the department responsible for management and budget to allocate the necessary funds to pay the amount that has been authorized.

Plaintiff has yet to receive payment from the defendant and is understandably frustrated. Moreover, the trial date is looming on the horizon and this matter has already been on the court's docket for a considerable period of time.

Based on the foregoing, the court will now require that the defendant submit a written report explaining where the processing of the payment to the plaintiff now stands, what steps need be completed before payment can be made, and when the defendant anticipates payment will be made. A copy of the report shall be sent to the undersigned by fax on or before Monday, March 6, 2005, with the original being forwarded to the Clerk of Court for filing along with proof of service upon the attorney for the plaintiff. The undersigned's fax number is as follows: 701-530-2325.

IT IS SO ORDERED.

Dated this 17th day of February, 2006.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge